

SB0574



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0574

Introduced 2/8/2007, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

210 ILCS 135/12 new

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the Department of Human Services shall require that any agency operating a community-integrated living arrangement must provide adequate nursing services to all recipients. Requires the Department to establish graduated standards of basic nursing services that correspond to recipients' ranges of Health Care Levels as reflected in the Health Risk Screening Tool; also requires the Department to establish standards for staffing ratios of Registered Nurses to Direct Support Personnel and Registered Nurses to Licensed Practical Nurses in accordance with a recipient's Health Care Level. Requires the Department to adjust its wage rates for Registered Nurses and Licensed Practical Nurses in community-integrated living arrangements. Effective immediately.

LRB095 06519 DRJ 26621 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Section
6 4 and by adding Section 12 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969 or the Nursing Home Care Act, as now or
14 hereafter amended, shall remain subject thereto, and this Act
15 shall not be construed to limit the application of those Acts.

16 (b) The system of licensure established under this Act
17 shall be for the purposes of:

18 (1) Insuring that all recipients residing in
19 community-integrated living arrangements are receiving
20 appropriate community-based services, including treatment,
21 nursing services, training and habilitation or rehabilitation;

22 (2) Insuring that recipients' rights are protected and that
23 all programs provided to and placements arranged for recipients

1 comply with this Act, the Mental Health and Developmental
2 Disabilities Code, and applicable Department rules and
3 regulations;

4 (3) Maintaining the integrity of communities by requiring
5 regular monitoring and inspection of placements and other
6 services provided in community-integrated living arrangements.

7 The licensure system shall be administered by a quality
8 assurance unit within the Department which shall be
9 administratively independent of units responsible for funding
10 of agencies or community services.

11 (c) As a condition of being licensed by the Department as a
12 community mental health or developmental services agency under
13 this Act, the agency shall certify to the Department that:

14 (1) All recipients residing in community-integrated living
15 arrangements are receiving appropriate community-based
16 services, including treatment, training and habilitation or
17 rehabilitation;

18 (2) All programs provided to and placements arranged for
19 recipients are supervised by the agency; and

20 (3) All programs provided to and placements arranged for
21 recipients comply with this Act, the Mental Health and
22 Developmental Disabilities Code, and applicable Department
23 rules and regulations.

24 (d) An applicant for licensure as a community mental health
25 or developmental services agency under this Act shall submit an
26 application pursuant to the application process established by

1 the Department by rule and shall pay an application fee in an
2 amount established by the Department, which amount shall not be
3 more than \$200.

4 (e) If an applicant meets the requirements established by
5 the Department to be licensed as a community mental health or
6 developmental services agency under this Act, after payment of
7 the licensing fee, the Department shall issue a license valid
8 for 3 years from the date thereof unless suspended or revoked
9 by the Department or voluntarily surrendered by the agency.

10 (f) Upon application to the Department, the Department may
11 issue a temporary permit to an applicant for a 6-month period
12 to allow the holder of such permit reasonable time to become
13 eligible for a license under this Act.

14 (g) (1) The Department may conduct site visits to an agency
15 licensed under this Act, or to any program or placement
16 certified by the agency, and inspect the records or premises,
17 or both, of such agency, program or placement as it deems
18 appropriate, for the purpose of determining compliance with
19 this Act, the Mental Health and Developmental Disabilities
20 Code, and applicable Department rules and regulations.

21 (2) If the Department determines that an agency licensed
22 under this Act is not in compliance with this Act or the rules
23 and regulations promulgated under this Act, the Department
24 shall serve a notice of violation upon the licensee. Each
25 notice of violation shall be prepared in writing and shall
26 specify the nature of the violation, the statutory provision or

1 rule alleged to have been violated, and that the licensee
2 submit a plan of correction to the Department if required. The
3 notice shall also inform the licensee of any other action which
4 the Department might take pursuant to this Act and of the right
5 to a hearing.

6 (h) Upon the expiration of any license issued under this
7 Act, a license renewal application shall be required of and a
8 license renewal fee in an amount established by the Department
9 shall be charged to a community mental health or developmental
10 services agency, provided that such fee shall not be more than
11 \$200.

12 (Source: P.A. 86-820.)

13 (210 ILCS 135/12 new)

14 Sec. 12. Nursing services.

15 (a) The Department shall require that any agency operating
16 a community-integrated living arrangement under this Act must
17 provide adequate nursing services to all recipients. The
18 Department shall establish graduated standards of basic
19 nursing services that correspond to recipients' ranges of
20 Health Care Levels as reflected in the Health Risk Screening
21 Tool. An adequate level of basic nursing services for the least
22 medically complex recipients shall be set at no fewer than 18
23 hours of Licensed Practical Nurse services and 1.5 hours of
24 Registered Nurse services per recipient per year. The
25 Department shall also establish standards for staffing ratios

1 of Registered Nurses to Direct Support Personnel and Registered
2 Nurses to Licensed Practical Nurses in accordance with a
3 recipient's Health Care Level.

4 (b) The Department shall adjust its wage rates for
5 Registered Nurses and Licensed Practical Nurses in
6 community-integrated living arrangements so that they equal
7 the statewide average for Registered Nurses and Licensed
8 Practical Nurses based on the most current wage rates published
9 by the Bureau of Labor Statistics for Illinois plus 20% for
10 fringe benefits.

11 (c) The Department shall adopt administrative rules to
12 implement this Section 12.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.